

REMARKS

This Preliminary Amendment is being filed concurrently with a Request for Continued Examination. Claims 1-3 and 17 have been amended, and new claims 18-24 have been added. Claims 1-3 and 17-24 are submitted for consideration.

Claims 1-3 have been amended for reasons unrelated to patentability. In particular, the "measured pressure" has been recited consistently in claim 1; the "known pressure" has been recited consistently in claim 2; and the "first temperature" and the "second temperature" have been recited consistently in claim 3. Claims 2 and 3 have also been amended for grammatical consistency with respect to reciting "the temperature-compensated pressure." It is respectfully submitted that these amendments are unrelated to the patentability of the claims.

Independent claim 1 recites a combination of features including "drawing out of the tank fuel being combusted by the automotive vehicle." And independent claim 17 recites a combination of features including "supplying with the fuel system fuel being combusted by the automotive vehicle." Support for these combinations of features may be found in Applicants' specification as originally filed at page 7, lines 8-12, and in Applicants' Figure 1 as originally filed.

Claims 1-3 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,413,840 to Basile et al. (Basile). This rejection is respectfully traversed in view of the above amendments and the following arguments.

Basile is directed to a leak detection system for double walled tanks of sea going vessels transporting cargoes of cryogenic liquefied gases. Basile fails to even mention the propulsion systems for the vessels, thus Basile is also completely silent as to any relationship between the cargoes stored in the double walled tanks of the vessels and the vessels' propulsion systems. It is respectfully submitted the Basile does not teach or suggest to one of skill in the automotive arts how to provide leak detection for a fuel system including an internal combustion engine and a fuel tank, wherein fuel from the fuel tank is supplied to and combusted in the internal combustion engine.

As pointed in out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051 (Fed. Cir. 1987). And MPEP § 2143.03 points out that "[t]o

establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Therefore, for at least the reasons discussed above, Applicants respectfully submit that independent claims 1 and 17 are patentable over Basile. Furthermore, Applicants respectfully assert that dependent claims 2 and 3 are also patentable at least because they recite the same allowable combination of features as patentable claim 1, as well as reciting additional features that further distinguish over Basile.

Independent claim 18 recites a combination of features including “combusting in the internal combustion engine fuel from the fuel tank.” And independent claim 23 recites a combination of features including “supplying fuel from the fuel tank to the engine.” Again, support for these combinations of features may be found in Applicants’ specification as originally filed at page 7, lines 8-12, and in Applicants’ Figure 1 as originally filed. It is respectfully submitted that Basile fails to teach or suggest new independent claims 18 and 23 at least because Basile is not directed to a leak detection system for an automotive fuel system

Furthermore, Applicants respectfully assert that dependent claims 19-22 and 24 are also patentable at least because they recite the same allowable combination of features as the independent claims, as well as reciting additional features that further distinguish over Basile.

An action on the merits is respectfully requested. If there are any fees due in connection with the filing of this Preliminary Amendment, please charge the fees to our Deposit Account No. 50-0310.


EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: 24 November 2003

By: _____


Scott J. Anchell
Reg. No. 35,035

Customer No. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel.: 202.739.5203
Fax: 202.739.3001